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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,437	11/03/2003	Hsiu-Hsueh Wu	14021 B 5614	
36672	7590 04/06/2004		EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET			NELSON JR, MILTON	
THIRD FLOOR		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/700,437	WU, HSIU-HSUEH	
Office Action Summary	Examiner	Art Unit	
	Milton Nelson, Jr.	3636	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).	
Status			
1) ☐ Responsive to communication(s) filed on 2a) ☐ This action is FINAL. 2b) ☑ This 3) ☐ Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro		
Disposition of Claims			
 4) Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) 1-4 and 7-11 is/are rejected. 7) Claim(s) 5 and 6 is/are objected to. 8) Claim(s) are subject to restriction and/o 	wn from consideration.		
Application Papers			
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b) objected to by the Education of the Education of by the Education of the drawing(s) is objected if the drawing(s) is objected in the drawing(s) is objected to by the Education of the drawing(s) is objected to by the Education of the Ed	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachment(s)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 2 of claim 7, it is unclear if "a dovetail groove" is intended to be the same feature as the previously set forth "dovetail groove". In line 3 of claim 7, it is unclear if "a dovetail" is intended to be the same feature as the previously set forth "dovetail". Claim 8 is indefinite since it depends from an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) he has abandoned the invention.

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(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(f) he did not himself invent the subject matter sought to be patented.

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gale (D201879). In the figures, note the lower block which functions as a pedestal for the upper block which includes integrally formed backrest, arms and seat members.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gale (D201879) in view of Huse (6536844). Gale shows all claimed structural features of the instant invention. Gale lacks the making via blow molding.

Huse conventionally teaches making a seating assembly via blow molding. Note the last two paragraphs in column 3, and the 1 paragraph in column 4.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of Huse by making the assembly of Gale via blow molding. Such provides a conventional, and well know manner in which to make a hollow seating assembly. Blow molding provides a lightweight, durable assembly with sufficient strength to support a user.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gale (D201879) in view of Sheridan (4522446). Gale shows all claimed features of the instant invention with the exception of the seat including a plurality of enforcement ribs formed thereon (claim 3); and the backrest including a plurality of enforcement ribs formed thereon (claim 4).

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Sheridan conventionally teaches providing a seat including a plurality of enforcement ribs formed thereon, and a backrest including a plurality of enforcement ribs formed thereon. Note Figure 3, between members 16.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Gale in view of the teachings of Sheridan by configuring the assembly of Gale such that his seat includes a plurality of enforcement ribs formed thereon (claim 3); and such that the backrest includes a plurality of enforcement ribs formed thereon (claim 4). Providing such ribs require forming the channels 16 into the surface of the seat and backrest. These channels enhance drainage of water should the assembly become wet. The resulting enforcement ribs provide a contoured surface for enhanced aesthetic appeal.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huse (6536844) in view of Gale (D201879). Huse shows all claimed features of the instant invention with the exception of the upper block including armrests. Note the hollow, blow molded upper block in Figure 1. Also note the lower block (20).

Gale conventionally teaches configuring the upper block member of a seating assembly as hollow, wherein the upper block is supported on a lower block. Gale also provides integrally formed arm members on the upper block. Note the figures.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Huse in view of the teachings of Gale by adding armrests for enhanced user comfort.

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Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huse (6536844) in view of Gale (D201879), as applied to claim 1 above, and further in view of Chen (2002/0011747). Huse, as modified above, shows all claimed features of the instant invention with the exception of the lower block including a base for installment on the ground and a post installed on the base (claim 9); the post being telescopic (claim 10); and the lower block including a control device connected with the telescopic post for control over the extending and shrinking of the telescopic post (claim 11).

Chen conventionally teaches configuring a chair with a lower block (80) including a base (wheeled extensions) for installment on the ground and a post installed on the base (see Figure 1); the post being telescopic (as can be seen in Figure 1); and the lower block including a control device (note the device shown in Figure 4) connected with the telescopic post for control over the extending and shrinking of the telescopic post.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Huse in view of the teachings of Chen by configuring the lower block to include a base with a post thereon for supporting the assembly on a surface (claim 9); wherein the post is telescopic for selective height adjustment by the user (claim 10); and wherein the lower block includes a control device connected with the telescopic post for control over the extending and shrinking of the telescopic post for enhanced ease of selective height adjustment by the user (claim 11).

Allowable Subject Matter

Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A molded seating assembly is shown by each of Newhouse (5810438) and Wilcox (6089669). Separable members of a seating assembly are shown by each of Bezark (3704912), Benincasa (6454358) and Perkins (5350218). A hollow seating assembly is shown by each Karl et al (5496091) and Croom (5509720). Dovetail joints are shown by Keil (3410474). A backrest with upper and lower backrest structure is shown by each of Raftery (5988746) and Curtis (D166660).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Milton Nelson, Jr. Primary Examiner

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mn April 5, 2004